



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,630	04/02/2004	Paul Lapstun	HYC003US	9561
24011 7590 06/01/2007 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			EXAMINER COLBERT, ELLA	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,630	Applicant(s) LAPSTUN ET AL.	
	Examiner Ella Colbert	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/02/04, 10/07/04, 10/18/04, and 02/12/07.

DETAILED ACTION

1. Claims 1-44 are pending in the instant application filed 04/02/04.
2. The IDS filed 04/02/04, 10/07/04, 10/18/04, and 02/12/07 have been entered and considered.

Claim Objections

3. Claims 1, 8, 37, 38, 41, and 43 are objected to because of the following informalities: Claim 1 recites "assigning an alias ID ...". This line should recite "assigning a competition alias identifier (ID) ...".

Claim 8, recites "alias ID performed in reliance on at least the device ID". This line should recite "alias identifier (Id) is performed in reliance on at least the device identifier (ID)".

Claim 37 recites "identifying a first telecommunication address .. from: and identity ... system; or the interaction data;". This line should recite "identifying a first telecommunication address .. from an identity ... system or the interaction data;".

Claim 38 recites "A method according to claim 1, for : enabling ... competition; and limiting ... the entrant; via ..., ..., of:". These lines should recite "A method according to claim 1, for enabling ... competition and limiting ... the entrant via ..., ..., of:".

Claim 41 recites "receiving interaction data ..., ... capture of: coupon data of the coupon; and a product ...". This line should recite "receiving interaction data ..., ... capture of coupon data of the coupon and a product ...".

Claim 43 has a similar problem with punctuation in the body of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 7, 12, 21, 30, and 34-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 12, 21, and 35-44 recite “enabling” which is not a positive recitation in the claim limitation. A positive recitation in the claims would be for example in claim 1 as follows: A method of anonymous entry to a competition, ..., ..., of: receiving ..., the interaction data being the competition entry to ...; and transmitting ..., thereby being the anonymous entry to the competition”. Claims 12, 21, and 35-44 have a similar problem. Claim 35 recites “... data allowing the competition entry ...; and ...”. “Allowing” is not a positive recitation in the claim. A positive recitation for example is as follows: “... data will let the competition be electronically captured ...; and ...”.

Claim 7, line 21 reciting “relative ..., the method including tsp of transmitting the digital ink ...”. It is unclear what applicants’ mean by the acronym “tsp” or what the acronym stands for in the claim limitation.

Claim 34 should depend on the system of claim 30 and not on claims 1 or 12 or 21. It would be ok for claim 34 to depend on claim 21 since claim 21 is a system claim.

However, if claim 34 depends from claims 1 or 12, this would overlap two separate statutory classes of invention since claims 1 and 12 are method claims and claim 34 is a system claim.

Claims 2-11, 13-20, 22-29, and 31-44 are also rejected because they depend from a rejected base claim.


Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 14, 2007


ELLA COLBERT
PRIMARY EXAMINER